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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,441	06/26/2003	Daniel J. DeClerck	CE10654R/10-163	2933
23400	7590	03/11/2005	EXAMINER	
POSZ LAW GROUP, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190			ORGAD, EDAN	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/606,441	DECLERCK ET AL.	
	<b>Examiner</b> Edan Orgad	<b>Art Unit</b> 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 26 June 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,5,6,10,11,15,16 and 20 is/are rejected.

7)  Claim(s) 2-4,7-9,12-14 and 17-19 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 26 June 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

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### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/7/05.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless—

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Zehavi (US 6,185,199).

Regarding claim 1, Zehavi teaches a method in a wireless communication system for mitigating power-control errors during a soft handoff of a mobile unit, the method comprising: programming a plurality of base stations with a uniform power-control bit pattern to be sent to the mobile unit during a plurality of power-control bit times, before the mobile unit is acquired on a reverse link (col. 3, lines 1-14); and timing transmissions of the uniform power-control bit pattern such that the plurality of base stations, when transmitting, send identical power-control bits during each of the plurality of power-control bit times (col. 12, lines 49-63).

Regarding claim 6, 11 and 16, Zehavi teaches an apparatus for use in a wireless communication system for mitigating power-control errors during a soft handoff of a mobile unit, the apparatus for use with a base station of a plurality of base stations attempting to communicate with the mobile unit, the apparatus comprising: a processor for controlling the base station (col. 3, lines 1-14), a memory element coupled to the processor for programming the processor, the memory element comprising a uniform power-control bit pattern to be sent by different ones of the plurality of base stations to the mobile unit during a plurality of power-

control bit times, before the mobile unit is acquired on a reverse link (col. 12, lines 49-63); and a synchronizer coupled to the processor for cooperating with the processor to time transmissions of the uniform power-control bit pattern such that the plurality of base stations, when transmitting, send identical power-control bits during each of the plurality of power-control bit times (col. 6, line 66, col. 7, line 10).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 10, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zehavi (US 6,185,199) in view of Chheda (US 2002/0072384).

Regarding claims 5, 10, 15 and 20, Zehavi fails to specifically disclose timing the transmissions comprises synchronizing the transmissions through a synchronization signal made available to the plurality of the base stations. However, in the same field of endeavor, Chheda discloses timing the transmissions comprises synchronizing the transmissions through a synchronization signal made available to the plurality of the base stations (¶ 0038). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include timing the transmissions comprises synchronizing the transmissions through a synchronization signal made available to the plurality of the base stations in order to provide Zehavi with increased performance during a soft handoff process.

***Allowable Subject Matter***

Claims 2-4, 7-9, 12-14 and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 2, 7, 12 and 17, the prior art does not teach or fairly suggest programming the plurality of base stations with the uniform power-control bit pattern comprises programming a pattern that requires more than a single transmission frame of a forward link from a base station to the mobile unit before the pattern repeats, and wherein timing the transmissions comprises synchronizing the transmissions from each of the plurality of base stations such that the transmissions start at substantially identical times.

Regarding claims 3, 8, 13 and 18, the prior art does not teach or fairly suggest programming the plurality of base stations with the uniform power-control bit pattern comprises programming a pattern that repeats after a single one of a plurality of transmission frames of a forward link from the base station to the mobile unit, and wherein timing the transmissions comprises starting the transmissions at substantially identical points within different ones of the plurality of transmission frames.

Regarding claims 4, 9, 14 and 19, the prior art does not teach or fairly suggest wherein the uniform power-control bit pattern is a pattern that repeats after a single one of a plurality of transmission frames of a forward link from the base station to the mobile unit, and wherein the synchronizer is arranged and programmed such that the transmissions of the uniform power-control bit pattern from the plurality of base stations start at substantially identical points within

different ones of the plurality of transmission frames.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2004/0180687: Ahn et al, disclose an uplink DPCCH transmission power control for terminal in soft handover.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*E.O. 3/2/05*  
EDAN ORGAD  
PATENT EXAMINER/TELECOMM.